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Commissioner of Patents
United States Patent and Trademark Office

Please find attached a reply to a USPTO Office communication dated 11/03/2006, regarding a USPTO Office Action Summary for the pending application:

No. 10/661,465, Applicants, Franco Vitaliano and Gordana Vitaliano; Russell S. Negin, Examiner, Art Unit 1631

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PATENT APPLICATION No. 10/661,465
Applicants: Franco Vitaliano and Gordana Vitaliano
Response To Detailed Action Comments of 9/21/06
November 16, 2006, FedEx Air bill # 858896775080



To: USPTO

Art Unit 1631

Response To Detailed Action Comments, Date Mailed: 9/21/2006

A.1. The USPTO has issued rejections per 35 U.S.C.101 of claims 1-16, 19-30, 36, 37, 42, 45, 47-49, 51-60, 61-63, and 65, because, "In the absence of the hand of man, the naturally occurring products are considered non-statutory subject matter....", and,

A.2. The USPTO has issued rejections per 35 U.S.C.102 (b) of claims 1-16, 19-30, 36-37, 42, 45, 47-49, 51-57, and 61-65 for being anticipated by Gelderblom [AIDS, 1991, Volume 5, pages 617-637] which describes a naturally occurring human immunodeficiency virus (HIV).

A.3. The USPTO has issued rejections of claims 1-16, 19-30, 36-37, 42, 45, 47-49, 51-60, and 61-65 for being anticipated by Stewart et al. [Current Topics in Microbiology and Immunology, 1995, volume 199, pages 25-38] which describes a naturally occurring adenovirus.

To briefly summarize, the USPTO asserts that naturally occurring HIV and a naturally occurring adenovirus as cited above in A.2 and A.3 share some structural and functional similarities with natural clathrin protein. The instant invention utilizes clathrin. The USPTO therefore says A.2 and A.3 anticipate the instant invention, which is a bio-based element that features novelty and utility in quantum information processing.

The inventors of the instant invention dispute the USPTO's rejection of claims listed in **A.1, 2, and 3**, because, in fact, the listed claims relate to non-naturally occurring systems and are the result of the hand of man. For example, the terms "purified", and "bio-engineered," and their obvious synonyms like "man-made" and "non-naturally occurring" are repeatedly referenced in the instant invention specification, as well as in the amended claims, commencing in amended claim 1.

References re non-naturally occurring appear in the instant patent specification, some of which are enumerated and highlighted below: